

REMARKS

This paper is submitted in response to the final Office Action mailed on May 15, 2000, for the referenced case ("the Office Action"). Claims 45-52 are currently pending; claims 47, 48, 50 and 51 have been amended herein. Reconsideration of the present application is respectfully requested in light of the foregoing amendments and the following remarks.

Interview

A personal interview was conducted on July 21, 2000, between the undersigned and Examiner Clark Dexter. The Examiner's participation in the interview is greatly appreciated. As noted in the interview summary prepared by the Examiner, differences between the present invention and the prior art, particularly U.S. Patent No. 5,181,446 to Theising ("Theising") were discussed.

Claim Objections

Section 2 of the Office Action objected to claims 47 and 49 due to errors in claim dependency. The Office Action further noted that claim 47 was examined as depending from claim 48 to expedite prosecution. Accordingly, claim 47 has been amended to depend from independent claim 48. Applicants thus believe that the claim objection has been overcome.

Claim Rejections – 35 USC § 112

Section 3 of the Office Action rejected claims 45-52 under 35 USC 112, second paragraph as being indefinite. The Office Action stated that claiming the "handle cam" separate from the head assembly separate from the head assembly made the claim vague. Claims 48 and 50 have both been amended to clarify the claim language. Regarding the head assembly and handle cam,

the claims, as amended, clearly state that the handle cam is a part of the head assembly, and further, that the camming portion of the handle cam is situated in the housing of the head assembly. *See, e.g.*, Figures 3 and 4 of the present application.

The Office Action further rejected claim 50 with regards to the "upper surface" language. Claim 50 has been amended as suggested in the Office Action.

Applicants thus believe that the rejections under section 112 have been overcome.

Claim Rejections – 35 USC § 103

Sections 4-6 of the Office Action rejected claims 45-50 under 35 U.S.C. 103(a) as allegedly being unpatentable over various prior art references. These rejections are addressed in turn as follows.

Claims 45-50—

Office Action section 3 rejected claims 45-50 as allegedly being unpatentable over Theising. Applicants respectfully traverse these rejections.

Claims 48 and 50 have been amended to more clearly recite the structure regarding the handle cam and annular bearing. The Office Action admits that Theising fails to disclose or suggest providing an annular bearing, but alleges that it would be obvious to provide a bearing between the handle cam and rod element of Theising. As illustrated in Figure 2 and described at col. 6, ll. 27-42 of Theising, the handle assembly 53 includes a spherical portion 65 to which the rod 55 is connected. Rotating the handle 69 downwardly causes the portion 65 to engage an element 67 and draw or pull the rod 55.

As noted in the background section of the present specification, an arrangement such as disclosed in Theising is prone to premature wear, due to the friction between the camming portion 65 and wear plate element 67. In claims 48 and 50, the annular bearing receives "the camming portion such that the handle cam is rotatably supported only by the annular bearing to eliminate direct contact between the camming portion and the housing..." The annular bearing thus eliminates the contact between the camming portion and a wear surface such as element 67 of Theising. The handle cam and annular bearing arrangement of the present invention provide a smoother action and longer life over prior art fence assemblies having a wear surface.

Theising does not disclose or suggest rotatably supporting the handle cam only by annular bearings, and the fence locking structure structure of Theising operates via direct contact between the handle and the housing in which the handle is situated. Applicants therefore respectfully submit that independent claims 48 and 50 are patentable over Theising.

Claims 51 and 52—

Section 6 of the Office Action rejected claims 51 and 52 under 35 U.S.C. 103(a) as allegedly being unpatentable over Theising in view of U.S. Patent No. 1,938,548 to Tautz. Claims 51 and 52 both depend from claim 50, which as noted above, is believed to be in condition for allowance. For at least this reason, claims 51 and 52 are also allowable, and a detailed analysis is unnecessary.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all pending claims of the present application are allowable. As evidenced by the above amendments and remarks, the

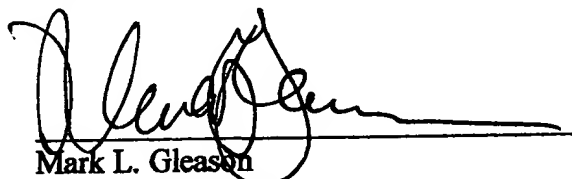
Applicants have made a genuine effort to advance this case to issuance. As the amendments presented herein are believed to place all of the claims in condition for allowance, Applicants respectfully submit that this response is proper under 37 CFR 1.116. If the Examiner does not believe that all of the pending claims are in condition for allowance, he is urged to withdraw the finality of the Office Action to give the Applicants the opportunity to address any additional concerns the Examiner may have. The Examiner is invited to contact the undersigned attorney with any questions, comments or suggestions relating to the referenced patent application.

REQUEST FOR TIME EXTENSION

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of one month to and including September 15, 2000, in which to respond to the Office Action dated May 15, 2000. Pursuant to 37 C.F.R. § 1.17, the process fee for a one-month extension of time is \$110. The Assistant Commissioner is authorized to deduct said one-month extension fee, and any additional fees that may be required under 37 C.F.R. §§ 1.16 to 1.21 for any reason relating to the enclosed materials, from Howrey Simon Arnold & White Deposit Account No. 01-2508/10872.0012.NPUS00.

Date: 9/15/00

Respectfully submitted,



Mark L. Gleason
Reg. No. 39,998
ARNOLD, WHITE & DURKEE
P. O. Box 4433
Houston, TX 77210-4433
(952) 474-3701